

REPORT

*Of the Committee on Military Affairs in the case of Joseph Marechal;
with a bill for his relief.*

JANUARY 26, 1824.

Read, and, with the bill, committed to a committee of the whole House tomorrow.

The Committee on Military Affairs, to whom was referred the memorial of Joseph Marechal, late Captain in the army of the United States,

REPORT:

That, on an investigation of the documents accompanying this memorial, it appears that this officer served in the 14th regiment of infantry during the late war; and that he received from Colonel E. Jenkins, at Albany, on the 29th of October, 1814, one hundred and fifty dollars, for the purpose of marching his company to Buffaloe; and that he also received the sum of thirty dollars from Col. Boerstler, whilst in Canada.

In the settlement which Captain Marechal made with the accountant, in August, 1815, it seems that he credited Captain Benjamin, assistant deputy quartermaster general, with the one hundred and fifty dollars he had received on the 29th of October, 1814, as above-mentioned, although he had receipted for this amount to Col. Jenkins; which mistake probably arose from his receiving the money from Capt. Benjamin, whilst he signed a receipt in Col. Jenkins's favor.

With this double debit against him, the Third Auditor reported Capt. Marechal's account for suit; and, after judgment, he was committed to jail, on the 8th day of March, 1822, at Baltimore, and remained in confinement until the 22d July following, as will appear from the annexed documents; when, it appears, that the Third Auditor re-examined his accounts, and discovered the fact, that Captain Marechal has receipted to one officer and credited another for the identical sum; and that, so far from his being indebted to the Government, there was a balance of forty dollars ascertained to his credit. All these facts will more fully appear by reference to the subjoined letter of Mr. Hagner.

After a full consideration of the circumstances of this case, your committee find it impossible to withhold the expression of their strong sympathy for the sufferings of Capt. Marechal, resulting from a mistake so easy in its commission, so innocent in its character, and to him so lamentable in its consequences. And whilst your committee propose that the Government should charitably compensate him for these sufferings, they would not justify the inference that, in their opinion, the Third Auditor, acting with commendable vigilance for the protection of the pecuniary interests of the Government, had been guilty of any censurable neglect—they think, however, this officer, in guarding your purse, has been the innocent agent of inflicting a wrong on an individual, whose own mistake was even connected with the honest purpose of faithfully accounting for all the money which he had received.

They, therefore, beg leave to report a bill for the relief of Captain Marechal.

TREASURY DEPARTMENT,

Third Auditor's Office, July 26, 1822.

SIR: An inquiry having been made, at this office, by Captain Hook, in your behalf, on the subject of the money standing to your debit, I went into a minute investigation of your account, from the commencement of your services to their termination, the result of which is, that a balance of forty-two dollars was found in your favor. In communicating this information it is due to you, and to the Department, that an explanation should be furnished as to the causes which led to the supposed balance against you, for which suit was instituted.

You stood charged with 180 dollars: 150 of which you had received from Col. E. Jenkins, on the 29th of October, 1814, agreeably to your receipt to him, of that date, for the expense of marching your company to Buffalo; and with 30 dollars, received from Col. Boerstler, whilst in Canada. The first was brought to your debit on the settlement made by the Accountant, 14th October, 1815, of Col. Jenkins's account; and the latter, by the same officer, on the settlement of Col. Boerstler's account. When the office of additional accountant was established, (8th May, 1816,) your account, for this 180 dollars, was transferred to my books, and so remained until I received instructions from the First Comptroller, (in September, 1820,) to report for suit all persons who had failed to account for the public moneys advanced them during the late war. Your account was, accordingly, reported from the records before referred to. In my investigation I found, that, in the settlement you made

with the Accountant in August, 1815, you had credited *Captain Benjamin, Assistant Deputy Quarter Master General*, with 150 dollars received of him, on the 29th of October, 1814, for the expense of marching your company to Buffalo, which was accordingly charged to you, on that settlement, and credited to Captain Benjamin: the date and the object being the same with that you receipted for to Col. Jenkins, and both those officers being at the same place, (Albany,) I have taken it for granted that they are one, and the same, transaction; and, consequently, from your error, in crediting the wrong officer, you were twice charged with the same money.

The other sum, of 30 dollars, I have also found included in a credit you gave, of 100 dollars, received by you in Canada, on a settlement you made with Paymaster Freeman, at Boston, when you returned from captivity. These sums balanced the debit standing to your account. I further found, that a sum of 40 dollars, which you received from Major Taylor, in Canada, had been credited by you in your settlement, before referred to, with the Accountant; and, that it was also included in the deduction, before mentioned, made by Paymaster Freeman; and that, instead of 100 dollars thus deducted, as received by you, whilst a prisoner, you had received but 98 dollars, making a difference of 2 dollars, over credited; which, added to the 40 dollars, twice credited, constitutes the balance found in your favor.

This balance will be either remitted to you, or paid to your order, after evidence is produced, by a certificate from the District Attorney, that the costs of suit have been discharged.

Respectfully,

Your obedient servant,

PETER HAGNER, *Auditor*.

Mr. JOSEPH MARECHAL,

Late Captain U. S. Army, Baltimore.

The United States }
against } District Court of the United States for the Dis-
Joseph Marechal. } trict of Maryland.

MARCH TERM, 1822.

I, Paul Bentalou, Marshal for the District of Maryland, do hereby certify, that, at March Term, 1822, Joseph Marechal was committed in execution, on a judgment at said Term, and was handed over by me to Shepherd C. Leakin, Esq., Sheriff of Baltimore county: that said Joseph Marechal was committed on the 8th day of March, 1822, and was released on the 22d day of July following.

PAUL BENTALOU.

Marshal District of Maryland.

I do hereby certify, that Joseph Marechal was committed to the jail of Baltimore county on the 8th day of March, in the year 1822, at the suit of the United States, and released July 22d, 1822; and the said Joseph Marechal lived on the jail allowance while in confinement.

S. C. LEAKIN, *Shff. B. C.*